

Notice of Allowability	Application No.	Applicant(s)	
	10/776,453	NOBLE, LYNN	
	Examiner	Art Unit	
	Gloria R. Weeks	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to Amendment (9/7/06).
2. The allowed claim(s) is/are 1-3, 5, 6, 8-13, 15, 16, 18-22, 24-29 and 31-35.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|--|

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows to overcome 112 2nd Paragraph lack of antecedent rejections, terminology consistency and to cancel withdrawn claims:

In the CLAIMS:

In claim 3 line 9, insert the term - -push- - between the terms "said" and "rod" to maintain terminology per lines 6 and 9 of claim 3;

In claim 5 lines 1 and 2, insert the term - -push- - between the terms "said" and "rod";

In claim 6 line 2, insert the term - -push- - between the terms "said" and "rod";

In claim 13 line 3, insert the phrase - -and comprises a push rod- - after the phrase "said transmission";

In claim 13 line 10, insert the term - -push- - between the terms "said" and "rod";

In claim 19 line 2, insert the term - -push- - between the term "said" and phrase "rod assembly";

In claim 22 line 3, insert the term - -push- - between the terms "a" and phrase "rod assembly";

In claim 22 lines 3 and 5-7, insert the term - -push- - between the term "said" and phrase "rod assembly";

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In claim 31 line 3, insert the term - -push- - between the terms “said” and “rod”;

In claim 32 line 4, insert the phrase - -and comprises a push rod- - after the phrase “said transmission”;

In claim 32 line 11, insert the term - -push- - between the terms “said” and “rod”;

This application is in condition for allowance except for the presence of withdrawn claim 30 directed to an invention non-elected without traverse. The preamble of claim 30 makes reference to allowed claim 1, however, this reference does not overcome distinction of claim 30 as a separate invention from claim 1 as defined in the Office Action mailed on February 4, 2005. As no linking claim was identified between the claim groupings, there are no grounds for rejoinder (MPEP 821.04). Furthermore, claim 30 was not amended to include the allowable limitations of 1 during prosecution of the application. Accordingly, claim 30 been cancelled.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gloria R. Weeks whose telephone number is (571) 272-4473. The examiner can normally be reached on M-F 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Conclusion

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Other helpful telephone numbers are listed for applicant's benefit:

- Allowed Files & Publication (888) 786-0101
- Assignment Branch (800) 972-6382
- Certificates of Correction (703) 305-8309
- Fee Questions (571) 272-6400
- Inventor Assistance Center (800) PTO-9199
- Petitions/special Programs (571) 272-3282
- Information Help line 1-800-786-9199


grw

September 14, 2006


SCOTT A. SMITH
PRIMARY EXAMINER

Gloria R. Weeks
Examiner